

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Hilda L. Solis, Secretary of Labor, et al.

Plaintiff

v.

Champagne Demolition, LLC, et al.

Defendant

Civil Action No. 12-CV-1278

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Environmental Protection Agency- Region 2 290 Broadway New York, New York 10007-1866  
Attn: Robert Kelly

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: SEE ATTACHMENT "A" HERETO

Place: Lulbrand Law Firm, PLLC 950 New Loudon Road, Suite 270 Latham, New York 12110	Date and Time: 10/07/2013 10:00 am
--	---------------------------------------

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/09/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant, who issues or requests this subpoena, are:

Kevin A. Lulbrand, Esq.  
Lulbrand Law Firm, PLLC 950 New Loudon Road, Suite 270 Latham, New York 12110

PAD rec'd 9/19/13  
WC

Commented for  
DECA-ARB

---

**Attachment "A"**

*(Environmental Protection Agency)*

1. True and accurate copy of all photographs, testing, analysis, or any other work done with respect to claimed asbestos removal from the Gloversville School demolition and asbestos removal job in Gloversville, New York.
2. A true and accurate copy of all photographs, videos, e-mails, letters, tape recordings or any documents or media provided by Donald Miles to the EPA in connection with the claimed illegal removal of asbestos from the Gloversville School job site in Gloversville, New York.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

September 19, 2013

Kevin A. Luibrand, Esq.  
Luibrand Law Firm, PLLC  
950 New Loudon Rd  
Suite 270  
Latham, New York 12110

Re: Hilda L. Solis, et al. v. Champagne Demolition, LLC, et al.  
Civil Action No. 12-CV-1278

Dear Mr. Luibrand:

Pursuant to my email sent September 18, 2013 (attached), enclosed please find the \$40.00 cash a process server presented to the individual who received a subpoena in the above referenced case. The process server stated the \$40.00 was for a "witness fee." The United States Environmental Protection Agency ("EPA") cannot accept such fees; consequently, I am returning it to you.

Should you have any questions please do not hesitate to contact me at (212) 637-3245.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Simpson", is written over the typed name.

James L. Simpson  
Assistant Regional Counsel

Enclosures

Cc: Wanda Calderon

## Simpson, James

---

**From:** Simpson, James  
**Sent:** Wednesday, September 18, 2013 4:07 PM  
**To:** 'KLuibrand@LuibrandLaw.com'  
**Cc:** McHale, Mary  
**Subject:** Supboena - Solis v. Champagne Demolition

Mr. Luibrand:

Today, Mr. Robert Kelly of U.S. EPA, Region 2 received a subpoena to produce certain documents and related material (electronically stored information, photographs, etc.) as described in detail on Attachment A to the subpoena. However, pursuant to 40 C.F.R. Section 2.405 the requested documents will be provided or denied in accordance with 40 CFR Part 2, subparts A and B. These are EPA's FOIA procedures.

In addition, it is my understanding a process server delivered a \$40 cash "witness fee" to the administrative assistant who accepted the subpoena. EPA Region 2 will return these funds to you.

Regards,

James L. Simpson  
Assistant Regional Counsel  
U.S. EPA, Region 2  
290 Broadway, 16th Floor  
New York, New York 10007  
212-637-3245 (direct)  
[Simpson.James@epa.gov](mailto:Simpson.James@epa.gov)

CONFIDENTIAL: This transmission may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If this message was sent to you in error, you are instructed to delete this message from your machine and all storage media whether electronic or hard copy.



Please consider the environment before printing this email.

UNITED STATES DISTRICT COURT

for the

Northern District of New York

Hilda L. Solls, Secretary of Labor, et al.

Plaintiff

v.

Champagne Demolition, LLC, et al.

Defendant

Civil Action No. 12-CV-1278

(If the action is pending in another district, state where: )

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Environmental Protection Agency- Region 2 290 Broadway New York, New York 10007-1866  
Attn: Robert Kelly

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: SEE ATTACHMENT "A" HERETO

Place: Lulbrand Law Firm, PLLC 950 New Loudon Road, Suite 270 Latham, New York 12110	Date and Time:  10/07/2013 10:00 am
--	---

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 09/09/2013

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Defendant  
, who issues or requests this subpoena, are:

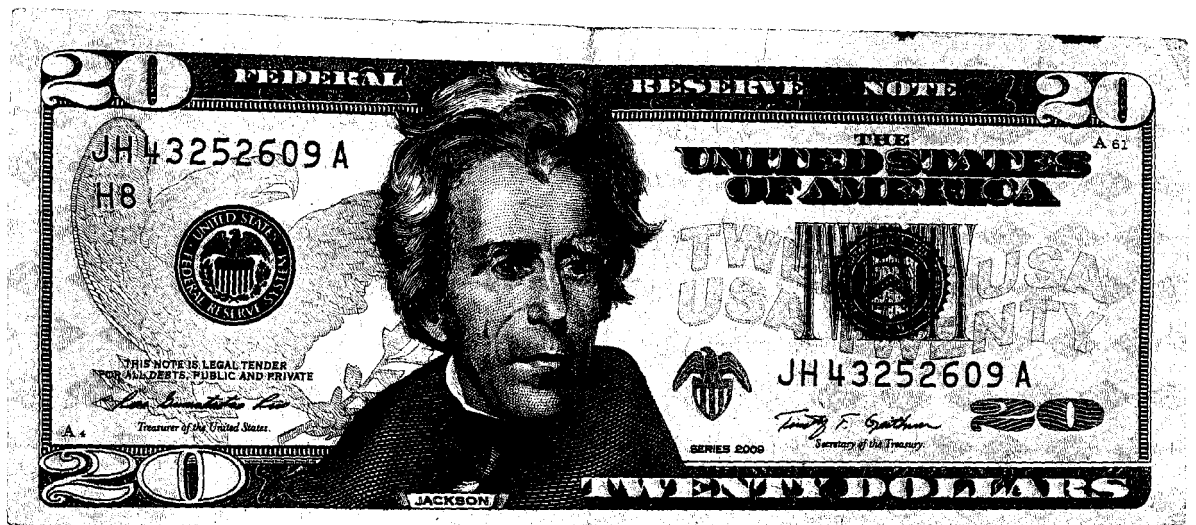
Kevin A. Lulbrand, Esq.  
Lulbrand Law Firm, PLLC 950 New Loudon Road, Suite 270 Latham, New York 12110

**Attachment "A"**

---

*(Environmental Protection Agency)*

1. True and accurate copy of all photographs, testing, analysis, or any other work done with respect to claimed asbestos removal from the Gloversville School demolition and asbestos removal job in Gloversville, New York.
2. A true and accurate copy of all photographs, videos, e-mails, letters, tape recordings or any documents or media provided by Donald Miles to the EPA in connection with the claimed illegal removal of asbestos from the Gloversville School job site in Gloversville, New York.



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kevin A. Luibrand, Esq.  
Luibrand Law Firm, PLLC  
950 New Loudon Road  
Suite 270  
Latham, NY 12110

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

0000 5949 3182

OF OR ENVELOPE TO THE RIGHT  
DRESS, FOLD AT DOTTED LINE  
CERTIFIED MAIL™



0000 5949 3182

0000 5949 3182

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Postmark  
Here